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11 Business Machines Corporation

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN JOSE DIVISION

15 RSI CORP., dba RESPONSIVE  
16 SYSTEMS COMPANY, a New Jersey  
17 corporation,

18 Plaintiff,

19 vs.

20 INTERNATIONAL BUSINESS  
21 MACHINES CORPORATION; and  
22 DOE DEFENDANTS 1-20,

23 Defendants.

CASE NO. 5:08-cv-3414 (HRL)

**DECLINATION TO PROCEED  
BEFORE A MAGISTRATE JUDGE  
AND REQUEST FOR  
REASSIGNMENT TO A UNITED  
STATES DISTRICT COURT  
JUDGE**

Crtrm.: 2, 5th Floor  
Judge: Hon. Howard R. Lloyd

1 Defendant International Business Machines Corporation ("IBM")  
2 respectfully declines to consent to the assignment of this case to a United States  
3 Magistrate Judge for trial and disposition and hereby requests the reassignment of  
4 this case to a United States District Judge.

5 DATED: July 17, 2008

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

7  
8 By /s/  
Shon Morgan  
9 Attorneys for Defendant  
International Business Machines  
10 Corporation  
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